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OFFICE OF PETITIONS

In re Application of :
Erol, et al. : LETTER REGARDING
Application No. 10/696,735 : PATENT TERM ADJUSTMENT
Filed: October 28, 2003 :
Atty. Dkt. No.: 015358-009440US :

This is a decision on the "REQUEST FOR RECONSIDERATION OF PATENT TERM ADJUSTMENT DETERMINATION UNDER 37 C.F.R. § 1.705(b)," filed January 8, 2009. Applicants request that the initial determination of patent term adjustment under 35 U.S.C. 154(b) be increased from 1,377 days to 1,472 days. Applicants request this correction solely on the basis that the Office will take in excess of three years to issue this patent.

The Determination of Patent Term Adjustment under 35 U.S.C. 154(b), mailed October 8, 2008, stated that the patent term adjustment (PTA) to date is 1,377 days. The instant application for patent term adjustment and issue fee payment were timely filed January 8, 2009.

However, prior to a decision on the application for patent term adjustment being rendered, on July 13, 2009, the application was withdrawn from issue.

In view thereof, a decision is being held in abeyance until after the mailing of any new Notice of Allowance and/or Notice of Allowability and the filing (or resubmission) of any application for patent term adjustment under 37 CFR 1.705(b). A new determination of patent term adjustment will accompany any new Notice of Allowance and will include any further adjustments or reductions accrued to date. Applicant must submit a timely application for patent term adjustment in response to any new Notice of Allowance. An application for patent term adjustment under 37 CFR 1.705(b) is properly filed after the mailing of the Notice of Allowance on which the application issues and prior to payment of the issue fee (or a request for reapplication of the issue fee) in response to that Notice. A copy of this decision should accompany the application for patent term adjustment, along with a request to apply the fee set forth in 37 CFR 1.18(e) paid on February 29, 2008.

Technology Center AU 2624 has been advised of this decision. The application is, thereby, forwarded to the Technology Center for further processing.

Telephone inquiries specific to this decision should be directed to the undersigned at (571) 272-3205.

A handwritten signature in black ink, appearing to read 'AMB', with a long horizontal flourish extending to the right.

Alesia M. Brown
Petitions Attorney
Office of Petitions